

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

RICKY P. RICHARD AND ALBA RICHARD

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08CV129-LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY

DEFENDANT

**ORDER**

Plaintiffs have filed a [37] motion requesting that only one of them be required to personally appear at the mediation to be held in this case tomorrow, September 30, 2008. This Court's [34] Order for Mediation emphasizes that each party shall be in attendance.

The primary ground offered by Plaintiffs for this request is that the mediation will be personally attended by plaintiff Ricky Richard, and that plaintiff Alba Richard is physically unable to attend due to the child care requirements of their two elementary-aged school children, but will be available by phone. The Plaintiffs currently reside in Las Vegas, Nevada.

Based on these circumstances, the Court is of the opinion that the request to excuse Mrs. Richard's personal appearance is reasonable. While she shall be allowed to participate by phone, it should be understood that Mr. Richard will have all authority to speak on behalf of his wife. This relief is also subject to the conditions that Mr. Richard will serve as his wife's duly authorized representative at the mediation in the event a settlement is reached, and that any final decision made shall be binding on Mrs. Richard.

Accordingly, **IT IS ORDERED:**

Plaintiffs' [37] Motion to Modify the Court's [34] Order for Mediation to allow plaintiff Ricky P. Richard only to personally appear and allow plaintiff Alba Richard to participate via telephone at the scheduled mediation in this cause of action on September 30, 2008, is **GRANTED**, subject to the above comments.

**SO ORDERED** this the 29<sup>th</sup> day of September, 2008.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE